

जिस्ट नं० पी० 461.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, 21 जुलाई, 1971/30 आषाढ़, 1893

GOVERNMENT OF HIMACHAL PRADESH

PANCHAYATS DEPARTMENT

NOTIFICATION

Simla-2, the 30th June, 1971

No. 6-1/69-PNT-Sectt.—In exercise of the powers conferred by Section 60 of the Himachal Pradesh Panchayati Raj Act, 1968 (Act No. 19 of 1970), the Governor, Himachal Pradesh, is pleased to make the following rules entitled as the Himachal Pradesh Gram Panchayat Rules, 1971, the same having been previously published in the Official Gazette.

RULES

CHAPTER I

Short title, commencement and repeals.

1. (1) These rules may be called the Himachal Pradesh Gram Panchayat Rules, 1971.

(2) They shall come into force at once.

(3) All rules made under the Himachal Pradesh Panchayat Raj Act, 1952 and under the Punjab Gram Panchayat Act, 1952, as in force in the transferred territory, are hereby repealed. But notwithstanding such repeal, anything done or any action taken in exercise of powers conferred by such repealed rules, shall be deemed to have been done or taken under these rules.

Definitions.

2. In these rules, unless there is anything repugnant in the subject or context,—

(a) “Act” means Himachal Pradesh Panchayati Raj Act, 1968;

(b) “section” means the relevant section of the Act;

(c) “form” means a form appended to these rules;

(d) “local body” means a local authority including a Municipal Committee, Small Town Committee and a Notified Area Committee;

(e) “official year” means the year commencing on the first day of Baisakh.

(f) “population” means population as given in the latest census held by Government next before the establishment of a Gram Panchayat; and

(g) words and expressions not defined in these rules but defined in the Act shall have the same meaning as assigned to them in the Act.

CHAPTER II

SABHA AREAS AND ESTABLISHMENT AND CONSTITUTION OF GRAM SABHAS

Disposal of assets and liabilities of Gram Sabha.

3. (1) If the whole of the Sabha area is included in a municipality, cantonment, small town committee or notified area, all rights, obligations, property, assets and liabilities, if any, whether arising out of any contract or otherwise shall vest in the Municipal Committee, Cantonment Board, Small Town Committee or Notified Area Committee, as the case may be:

Provided that the land, which vests in the Panchayat under the Punjab Village Common Lands (Regulation) Act, 1961 or the land, the management and control of which vests in the Panchayat under the East Punjab Holdings (Consolidations and Prevention of Fragmentation) Act, 1948, shall revert to the co-sharers and the owners thereof.

Amalgamation of Panchayats.

(2) Where two or more Panchayats are amalgamated the assets and liabilities of the amalgamating Panchayats shall vest in and be transferred to the amalgamated Panchayat.

Bifurcation of Panchayats.

(3) Where a Panchayat is divided, its assets and liabilities shall vest in and be transferred to Panchayats established in its place in such proportion and in such manner as the Deputy Commissioner may decide in each case.

4. (1) No property movable or immovable shall be purchased or sold by a Gram Sabha without a formal resolution of the Gram Sabha:

Provided that the Pradhan may in emergent cases purchase or sell movable property of a value not exceeding fifty rupees:

Provided further that all such transactions shall be reported to the Gram Panchayat at its next meeting.

Acquisition and transfer of property by Sabha [Section 5 (2) of the Act].

(2) All contracts on behalf of a Gram Sabha shall be entered into the name of the Gram Sabha and all documents executed in this connection shall be signed by the Pradhan and one other Panch. The draft of all documents to be executed by or in favour of a Gram Sabha shall, before execution, be scrutinized and approved by the Block Development Officer and the Sabha Fund shall not be liable under any contract not so approved.

5. After the Government have established a Sabha by a notification under section 5 of the Act, a register shall be prepared for every Sabha in Form I appended to these rules. It shall consist of two parts. Part I shall contain the names and particulars of all persons family-wise residing in a village which forms part of the Sabha area and Part II shall contain the names and particulars only of those persons who are entitled to be members of the Sabha under section 5 (3) of the Act:

Register of members [Section 5 (3) of the Act].

Provided that the Government may by order amend Form I as and when necessary.

6. The register for the first time shall be prepared by the village Patwari, Gram Sewak or the Panchayat Secretary, as the case may be, and shall be verified by the District Panchayat Officer or the Block Development Officer or by an official authorised by any of them in this behalf in writing. At the end of each year, entries about birth and death or other changes in any family, qualifications and disqualifications of any member or additions of any new family which have occurred during the year shall be made by the District Panchayat Officer or Block Development Officer or their nominee in Part I or II or both, as the case may be. The Government may order periodical revisions of the register.

Entries in the register.

7. The Secretary of Gram Panchayat shall be responsible for the safe custody of the registers and other record of the Gram Panchayat.

Custody of register.

CHAPTER III

GRAM SABHA—CONDUCT OF BUSINESS

8. The Chairman of the Panchayat Samiti in whose jurisdiction the Gram Panchayat is located shall be the prescribed authority for the purpose of provisos to section 6 (1) of the Act.

Prescribed authority [Provisos of section 6 (1) of the Act].

9. The notice of every meeting of a Sabha shall be given at least fifteen days before the date of the meeting. A copy of the notice shall be affixed on the Notice Board of the Gram Panchayat at least fifteen days before the meeting and due publicity of the meeting shall be got made by the Pradhan through beat of drum at least fifteen days before the meeting. A copy of the notice of the meeting shall be sent to the Chairman of the Panchayat Samiti concerned also for his information.

Notice of meeting.

10. Every meeting of the Sabha shall be held at the headquarters of the Gram Panchayat and shall be presided over by the Pradhan or in his absence by the Up-Pradhan. If both Pradhan and Up-Pradhan are absent, then such

Place of meeting.

member of the Gram Sabha shall preside over the meeting as may be elected by the members present in that meeting.

Register of proceedings.

11. The register of proceedings shall be maintained by the Panchayat Secretary. The Panchayat Secretary shall obtain the signatures or thumb marks of the members present at the meeting. He shall also maintain the register of proceedings in Hindi or Pahari or Urdu and the proceedings shall be signed by the Pradhan or the person presiding over the meeting.

Copy of the proceedings to be sent to Block Development Officer.

12. An attested copy of the proceedings of every meeting of a Sabha shall be caused to be delivered in the office of the Block Development Officer concerned within a fortnight of the holding of the meeting by the Panchayat Secretary concerned and it shall be the duty of the Block Development Officer to ensure that up-to-date record of such proceedings is kept in his office for every Gram Sabha in his jurisdiction. The period of a fortnight under this rule may be relaxed by the Deputy Commissioner of the district in any individual case, for reasons to be recorded, if he is satisfied that the delay has occurred in good faith.

Confirmation of proceedings.

13. Proceedings of the last meeting of the Sabha shall be read at the subsequent meeting and confirmed.

Resolutions.

14. (1) The Pradhan of the Gram Sabha may disallow the moving or discussion of any resolution or proposition which he considers to be beyond the scope of Sabha and in doing so he shall record his reasons in writing.

(2) All resolutions or propositions, not disallowed by the presiding person shall be discussed and passed by a majority of votes. In case of equality of votes, the person presiding over the meeting of the Sabha shall have a casting vote.

Transaction of business.

15. The order of the business to be transacted at every ordinary, general or special meeting shall be decided by the person presiding over the meeting.

Continuance of meeting.

16. If it is not possible to complete discussion on all the items on the date fixed for Sabha meeting, the meeting may be continued on any subsequent day within a fortnight. The decision of such next date shall be taken in the meeting.

Regulation of conduct of business.

17. It shall be the duty of the person presiding over the Sabha meeting to regulate the conduct of business at a Sabha meeting and to preserve order, if any member disregards the authority of the presiding person, or is guilty of obstruction or offensive conduct during the meeting, the presiding person may ask him to behave properly and on his failure to do so direct him to withdraw from the meeting.

Business to be transacted at an extraordinary meeting.

18. In an extraordinary meeting of a Gram Sabha, only such business will be discussed as may be indicated in the requisition referred to in second proviso to section 6(1) of the Act.

CHAPTER IV GRAM PANCHAYATS

Number of members of Gram Panchayat [Section 9 of the

19. The number of members of a Gram Panchayat assigned to each Gram Sabha including the Pradhan and Up-Pradhan but excluding the co-opted members shall be regulated in proportion to the population of the area comprising the Sabha in accordance with the following scale:—

(1) Population not exceeding 500

Seven
Nine

- (3) Population exceeding 1,000 but not exceeding 1,500 .. Eleven
 (4) Population exceeding 1,500 but not exceeding 2,500 .. Thirteen
 (5) Population exceeding 2,500 .. Fifteen

GRAM PANCHAYATS—CONDUCT OF BUSINESS, DUTIES, FUNCTIONS AND POWERS

20. The Chairman of the Panchayat Samiti in whose jurisdiction the Gram Panchayat lies, shall be the prescribed authority for the purposes of sub-section (1) of section 13 of the Act.

Prescribed authority for sub-section (1) of section 13 of the Act.

21. The time, date and place of the meeting shall be fixed by the Pradhan or in his absence by the Up-Pradhan.

Meeting time and place.

22. The Pradhan shall give a notice of at least seven days to all members of Gram Panchayat for holding the meeting of the Gram Panchayat; provided that no notice shall be necessary if the meeting of the Gram Panchayat is to take place regularly on days previously fixed by the Panchayat and all the members have been informed.

Notice of meeting.

23. A notice of meeting of a Panchayat shall state the nature of the business to be transacted at the meeting.

Contents of notice.

24. Proceedings of the last meeting shall be read at the subsequent meeting, confirmed and signed by the person presiding over the meeting and accounts for the past month shall be presented for the consideration of the Panchayat.

Procedure

25. The Pradhan or in his absence, the Up-Pradhan and in the absence of both any Panch chosen to preside by the Panches present, shall preside over the meetings of a Gram Panchayat. In case of a meeting held under the proviso to sub-section (1) of section 13 of the Act, if the Pradhan as well as the Up-Pradhan is absent the Panches present shall elect a Panch from amongst themselves to preside over the meeting and in that event the said meeting shall be valid provided the quorum is in accordance with the Act and the presiding Panch shall exercise all the powers of the Pradhan of the Gram Panchayat under the Act for the purposes of such meeting.

Presiding over the meetings of Gram Panchayat.

26. The register of proceedings shall be maintained by the Panchayat Secretary. The Panchayat Secretary shall obtain the signatures or thumb marks of the members present at the meeting. He shall maintain the register of proceedings in Hindi or Pahari or Urdu and the proceedings shall be signed by the Pradhan or the person presiding over the meeting.

Proceedings to be recorded.

27. The order of business to be transacted at every ordinary, general or special meeting shall be decided by the person presiding over the meeting.

Order of business

28. Any member of a Panchayat who desires to bring forward any resolution at any meeting of the Panchayat shall give notice of his intention to do so at the previous meeting or shall, at least two days before the meeting inform the Pradhan or in his absence the Up-Pradhan or the Secretary, in writing of his intention; provided that the Pradhan of the meeting may, in his discretion permit the discussion of a resolution or transaction of any business of emergent nature calling for immediate discussion.

Resolution

29. (1) The Pradhan may dis allow the moving or discussion of any resolution or proposition which he considers to be beyond the purview of the Gram Panchayat and in doing so, he shall record his reasons in writing.

Resolution or propositions before Panchayat.

(2) All resolutions or propositions, not dis-allowed by the Pradhan or the person presiding, shall be discussed and passed by a majority of votes. In case of equality of votes, the Pradhan or the person presiding shall have a casting vote.

Special powers of the Pradhan.

Delegation of powers.

30. A Pradhan shall have power to do any work in case of some special emergency, without obtaining the sanction of the Panchayat. He shall, however, place the matter before the next meeting of the Panchayat.

31. The Pradhan may with the approval of the Panchayat delegate any of his powers to the Up-Pradhan or Secretary subject to such conditions as the Panchayat may think fit to impose.

Persons other than members allowed to attend meetings.

32. The Pradhan or the person presiding may allow the presence of persons other than the members of the Panchayat in its meetings or meetings of its committees in an advisory capacity.

Prescribed authority for the purposes of sub-section (1) of section 15 of the Act.

33. (1) The Chairman of the Panchayat Samiti in whose jurisdiction the Secretary for a Gram Panchayat or a group of Gram Panchayats is to function, shall be the prescribed authority for the purposes of sub-section (1) of section 15 of the Act. Whenever a vacancy in the office of the Secretary arises or an appointment is to be made to a new post, the Chairman of the Samiti shall make the appointment in consultation with the Pradhan concerned, as the case may be; provided that the appointment of the Panchayat Secretary shall be made with the prior approval of the Deputy Commissioner.

Sub-section (2) of section 15 of the Act.

(2) The remuneration, allowances and other matters relating to the service conditions of the Secretary and other regular employees, if any, of a Gram Panchayat shall be such as may be prescribed by the Government from time to time.

Sub-section (3) of section 15 of the Act.

(3) It shall be the duty of the Secretary of the Gram Panchayat—

- (i) to comply with and see that all provisions of the Act and rules and bye-laws made thereunder and all orders issued or authorised by the State Government or Director of Panchayati Raj or any other competent authority are complied with by the Gram Panchayats and Nyaya Panchayats and shall bring to the notice of the person appointed in this behalf any irregularity or omission on their part;
- (ii) to carry out the lawful orders of the Gram Panchayat and the Pradhan or Up-Pradhan and to perform any other duties and to exercise any other power as may be assigned to or conferred on him by or under the Act or these rules or any other law in force; and
- (iii) under the general supervision of the Pradhan and, in his absence the Up-Pradhan, to maintain up-to-date all prescribed records and registers. The Secretary shall also be solely responsible for safe custody of cash in hand and movable property of the Gram Panchayat within the overall supervision of the Pradhan, or in his absence of the Up-Pradhan and he shall further be responsible for keeping true accounts of the money received in Sabha Fund and disbursed out of it.

Transfer of employees of Gram Panchayat

34. (1) The power to transfer the Secretary of Gram Panchayat or its other employees from one Gram Panchayat to another within the jurisdiction of the Samiti shall vest in the Chairman of the Samiti.

(2) The power to transfer the employees from one Panchayat Samiti to another, shall vest in the Deputy Commissioner.

35. Gram Panchayat may employ temporary servants other than its regular employees at such remuneration as may be approved by it for carrying out the duties imposed under the Act.

Employment of temporary servants [Sub-section (1) of section 16 of the Act].

36. The State Government may permit a Gram Panchayat to establish and maintain a Provident Fund on behalf of its servants and to grant gratuity to any servant.

Maintenance of Provident Fund and grant of gratuity.

37. The Gram Panchayat shall not transfer by way of lease, licence, contract or agreement, any immovable property vested in it, except with the previous approval of the Director with such conditions as he may impose; provided that the land which vests in the Panchayats under the Punjab Village Common Lands (Regulation) Act, 1907 or the land, the management and control of which vests in the Panchayat under the East Punjab Holdings (Consolidations and Prevention of Fragmentation) Act, 1948, shall continue to be leased according to the rules under the said Acts and instructions issued by the Government from time to time in pursuance of the said Acts and the rules made thereunder. No immovable property vested in or belonging to Panchayat shall be transferred by sale, gift, mortgage or exchange except on a resolution of the Panchayat and with the sanction of the Government.

Transfer of immovable property, vested in the Panchayats.

38. Subject to the provisions under rule 37 above, it is laid down that—

Lease, licence contract or agreement without premium.

(1) In the case of a lease, licence, contract or agreement without premium transferring immovable property vested in the Panchayat, a reasonable annual amount shall be reserved and made payable during the whole term of such lease, licence, contract or agreement.

(2) The Panchayat shall not without the previous permission of the Director transfer property vested in it by lease, licence, contract or agreement except by auction or by inviting tenders.

Lease, licence, contract or agreement by auction or tender.

(3) When these rules require the previous approval of the State Government or of the Director to a transfer of property vested in the Panchayat, any instrument whereby the transfer is affected should record the fact of the approval of the State Government or of the Director, as the case may be, having been obtained.

Approval of State Government or Director

(4) Maintenance and management of nazul land shall be governed by rules made in that behalf by the Government.

Nazul land.

39. A Gram Panchayat shall maintain a register in Form II of all immovable property including trees thereon, which is vested in the Panchayat or is placed under the Panchayat's management or is held by the Panchayat in any other manner, except nazul land.

Register of immovable property.

40. Property vested in the Panchayat, property placed under the Panchayat management, property held by the Panchayat on lease shall respectively be entered in separate parts of the register.

Separate part of register for different kinds of property.

Periodical
examination
of register.

41. The Panchayat shall periodically, but not less than once in a year, cause the register of property to be examined and verified by the Block Development Officer concerned or by an official authorised by him in this behalf. If there is any discrepancy, excess or shortages, he shall report the matter to the Deputy Commissioner for necessary action.

Power of
water
supply
[Section 18
(1) of the
Act].

42. Whenever a Panchayat undertakes the control and administration of water supply in its area, it may—

- (1) acquire by purchase, gift or otherwise any spring, tank, well, stream or water course and provide facilities for obtaining water therefrom; provided that if source of water is to be purchased or taken on lease, the prior approval of the Chairman of the Panchayat Samiti in whose jurisdiction the Panchayat is situated, shall be obtained;
- (2) construct, repair and maintain public springs, tanks and wells and provide for the cleaning thereof and of streams and water courses at suitable intervals;
- (3) prohibit during the epidemic the use of any water course for drinking, for washing utensils and clothes or for watering cattle;
- (4) notify the setting apart of any water source for drinking, for washing utensils and clothes, for performing funeral obsequies and for watering cattle, and if and where necessary prohibit all acts likely to pollute the source so set apart;
- (5) prohibit throwing of corpses into streams or water courses meant for drinking water supply; and
- (6) disinfect during the prevalence of epidemics, sources of drinking water supply.

Breach of
general
order [Sec-
tions 20
of the
Act].

43. (1) When a breach of general order published by a Gram Panchayat comes to its notice, the Gram Panchayat shall give notice in writing to the defaulter with regard to the matter or matters for which he or she has committed the breach. The notice shall be signed by the Pradhan or Up-Pradhan or any other Panch of the Gram Panchayat authorised by it in this behalf. The notice shall be in duplicate and it shall be served on the person concerned through the village chowkidar or by any other person deputed by the Panchayat. The person to whom the notice is tendered shall acknowledge receipt thereof in writing and either sign it or put his thumb mark on it. In case he refuses to accept the notice or evades the service thereof, the facts shall be noted by the serving officer in the presence of at least two respectable witnesses of the locality and the notice shall be returned to the Panchayat.

(2) The notice referred to in sub-rule (1) shall contain in detail the nature of allegations which amount to the breach of a general order under section 20, and shall also indicate the date, time and place when and where the defaulter concerned should appear before the Gram Panchayat. If the person concerned appears before the Gram Panchayat in accordance with the notice and shows cause against the notice and does not admit the breach in question, the Gram Panchayat shall take evidence and if it is satisfied that there is no cause to take action, no further proceedings shall be taken in the case. If, however, the Gram Panchayat is satisfied, after taking evidence that a breach has been committed, it shall inflict a penalty on the person concerned under section 22 of the Act.

...defaulter concerned does not appear before the Gram Panchayat ... that the person concerned is

such evidence as may be available, proceed against the person concerned under section 22 of the Act.

44. (1) A Gram Panchayat shall undertake registration of births and deaths and the reporting of epidemic diseases and for that purpose shall comply with all orders of the Health and Family Planning Department, and State Government.

Registration of births, deaths and marriages [Section 18 (2) (g) of the Act].

(2) A Panchayat shall maintain a register of births and deaths in Form III for every village situated in its jurisdiction and the Pradhan and the Secretary of the Gram Panchayat shall be responsible for its correct maintenance.

(3) Gram Panchayat shall undertake registration of marriages and shall maintain a Register in Form VI.

45. The head of the family or in his absence any other member thereof shall report birth or death or marriage occurring in his family within twenty days of the occurrence to the Secretary or Pradhan or Up-Pradhan of the Gram Panchayat concerned and the officer receiving the report shall give a receipt of the same to the reporter. Any person who fails without sufficient cause to make a report under this rule shall be punishable by a Nayaya Panchayat with a fine which may extend to rupee one for every day of non-compliance.

46. It shall be the duty of the village chowkidar to report to the Pradhan or in his absence to the Up-Pradhan or the Secretary of the Gram Panchayat every birth or death occurring in the area assigned to him by the Panchayat within seven days of the said occurrence.

Chowkidar to report births and deaths.

47. The Gram Panchayat shall offer such co-operation and assistance for establishment, maintenance and management of primary schools, as may be laid down in instructions issued by the Government from time to time.

Primary Education. [Section 18 & 6 of the Act].

48. (1) A Panchayat may so far as its funds permit establish and maintain library, reading room or dispensary in its area and raise funds for the same by donations from the public and may also make contribution from its own funds.

Library, reading room and dispensary.

(2) The library and reading room shall be attached to a primary school and shall be placed in the direct charge of the headmaster of the school.

49. Subject to funds available, a Gram Panchayat may attach small dispensaries to primary schools and such dispensaries may be provided with medical chests on such conditions as may be laid down by the Director of Health and Family Planning.

Attachment of dispensary to primary school.

50. The Pradhan or Up-Pradhan of the Gram Panchayat shall cause inspection and supervision of the schools, dispensaries, libraries and other similar institutions established or maintained by the Panchayat and it shall be their duty to encourage people to give necessary help to these institutions.

Inspection and superintendence.

51. If a group of neighbouring Sabhas combine to establish and maintain a school, a dispensary or hospital a joint committee composed of three Panches elected by each Panchayat from amongst its members shall manage and control such institutions and the entire cost whether recurring or otherwise shall be borne by each Panchayat in equal shares provided that it shall be open to the joining Sabhas to entrust the management and control of such institutions to the Panchayat Samiti within the jurisdiction of which these institutions fall.

Establishment & maintenance of schools etc. [Sections 18, 36 and 37 of the Act].

52. All works to be undertaken by the Gram Panchayat shall be planned and executed in accordance with the instructions issued by the Government.

Execution of works.

from time to time. The accounts, registers, books and papers shall also be maintained in accordance with such instructions as the Government may issue in this regard.

Mainten-
ance of
record

[Section 14
(1) of the
Act].

53. Every Gram Panchayat shall maintain,—

- (a) a proceeding book (which shall be a permanent record) wherein all proceedings of the meetings of the Gram Panchayat shall be recorded in accordance with these rules;
- (b) inspection book (which shall be a permanent record) wherein the remarks of all inspecting officers shall be recorded;
- (c) such registers, books, forms and papers as are to be maintained; and
- (d) such records, registers, books, forms and papers as are laid down under the Act, these rules and which may also be prescribed by the Director from time to time in this behalf.

Publication
of general
order
(Section 20
of the Act).

54. A general order made by a Gram Panchayat under section 20 of the Act, shall be published by beat of drum and by affixing copies thereof at conspicuous places of the Sabha area and in the office of the Gram Panchayat. The fact of publication shall also be recorded in the proceedings book of the Gram Panchayat in the meeting following the date of publication.

Prescribed
authority
for the pur-
poses of
section 21
of the Act.

55. The Chairman of the Panchayat Samiti in whose jurisdiction a Gram Panchayat is situated shall be the prescribed authority for the purposes of section 21 of the Act.

Report of
petty official.

56. If the superior officer of the petty official described in section 23 of the Act does not take action against the petty official concerned as a result of the enquiry report submitted to him by the Gram Panchayat against that petty official, then the Gram Panchayat shall report the matter to the Director for submission to the Government.

Collection of
charges.

57. The collection charges mentioned in section 24 of the Act will be such as may be laid down by Government from time to time.

Section 25
of the Act
procedure
for introduc-
ing prohibi-
tion.

58. (1) When a Gram Panchayat wants to introduce prohibition in its area, it shall pass a resolution to that effect by vote of at least 2/3rd majority of Panches and send the same to the Director under intimation to the Deputy Commissioner.

(2) The Director shall submit the case to Government for orders.

(3) If the Government approves of the prohibition in the Sabha area the orders shall be issued to that effect.

Bye-laws
(Section 26
of the Act).

59. (1) Before framing bye-laws, the Panchayat shall publish a draft of bye-laws in the area of the Gram Sabha by publishing them in a newspaper, approved by the Director for this purpose, or by affixing them in conspicuous places in the Sabha area as well as outside the office of the Gram Panchayat and shall invite objections within thirty days.

(2) After considering objections, if any, and taking decision thereon the Panchayat shall forward them to the Director through the Chairman of the Panchayat Samiti, who may modify or sanction them or pass any other suitable order on them.

(3) The bye-laws as approved by the Director shall come into force after they have been published in the same manner as their draft was published.

60. The conditions for transfer of forest area or irrigation works or any other public property by the Government to a Gram Panchayat or group of Gram Panchayats shall be such as may be decided by the Government in each case.

Transfer of forest area or irrigation work (Section 28 of the Act).

61. The application under section 29 of the Act shall be made by the Gram Panchayat in Form V appended to these rules.

Acquisition of land (Sec. 29 of the Act).

62. A Gram Panchayat may start, manage and regulate fairs and markets within the Sabha area in accordance with the instructions issued by the Director from time to time.

Management of fairs & markets (Sec. 30 of the Act).

63. The prescribed authority for the purposes of the proviso to section 31 shall be such officer or officers as may be nominated by the Government in this behalf from time to time.

Power over water ways etc. (Sec. 31 of the Act).

64. (1) Every Gram Panchayat shall appoint out of its own body the following committees, namely:—

Functional sub-committees (Section 33 of the Act).

(a) standing committee for finance and taxation;

(b) standing committee for agricultural production, animal husbandry, minor irrigation, power, communications and works; and

(c) standing committee for education, social welfare, public health and sanitation, including rural water supply, cottage industries, co-operatives and housing.

(2) The constitution, term of office, duties, procedure and the powers to be exercised by such standing committees shall be such as may be laid down by bye-laws made by the Gram Panchayat, with the prior approval of the Director.

(3) Notwithstanding anything contained in any bye-law made under sub-rule (2) the Pradhan of the Gram Panchayat shall be the Chairman of the Standing Committee for finance and taxation.

65. When two or more Gram Sabhas want to combine by means of written instrument to appoint a joint committee consisting of their representatives for the purposes of transacting any business in which they are jointly interested, they shall do so after taking the permission of the Chairman or Chairmen of the Samiti or Samitis, as the case may be, in whose jurisdiction the Sabhas' areas are located.

Joint committees (Section 34 of the Act).

66. The Chairman of the Panchayat Samiti in whose jurisdiction the Gram Sabhas are located, shall be the prescribed authority for the purpose of sub-section (3) of section 35 of the Act. If the Gram Sabhas are located in the jurisdiction of different Panchayat Samitis, then a committee consisting of the concerned Chairmen of Panchayat Samitis shall be the prescribed authority for this purpose.

Prescribed authority for the purpose of sub-section (3) of section 35.

67. It shall be the duty of a Gram Panchayat, so far as practicable, to assist any Government servant in the lawful performance of his duties within its area, when called upon by such Government servant to do so.

Assistance to Government servants (Section 38 of the Act).

Conditions on which a Gram Panchayat may agree under section 39 of the Act.

68. The conditions on which a Gram Panchayat may agree under section 39 of the Act to receive from any person any property vested in him or the execution and maintenance of any work or the performance of any duty, within its area, shall be, if the amount involved is not exceeding rupees five hundred, approval by the Chairman of the Panchayat Samiti in whose jurisdiction the Gram Panchayat is located. If the amount involved exceeds rupees five hundred then the Gram Panchayat shall take prior approval of the Deputy Commissioner.

CHAPTER V

GRAM PANCHAYATS—CONTROL

Proceedings and records open to inspection (Sub section (2) of section 50 of the Act).

69. Subject to the rules hereinafter contained, all administrative proceedings of the Panchayat shall be open to inspection at the discretion of the Pradhan and on payment of inspection fee as laid down in rule 73.

Copies of documents and fees thereof.

70. (1) Applications for copies of the records of a Panchayat shall be made to the Pradhan of the Panchayat. For purposes of rate of copying fees and the manner of granting such copies the procedure laid down in sub-rules (2) to (6) of this rule shall be followed.

Application
for copy of
records and
fee thereon.

(2) Every application for obtaining a copy of the records of the Panchayat shall be made to the Pradhan, or any other Panch authorised by him, as the case may be, and shall be accompanied with a fee of ten paise.

Copying
fee.

(3) Copying fees shall be charged at the rate of twenty paise for every two hundred words or fraction thereof.

Advance
cost.

(4) Every application shall be accompanied by an advance sufficient to cover the estimated cost of the copy applied for.

Preparation
and the
delivery of
the copy.

(5) The Pradhan of the Panchayat may then get the copy prepared on plain paper, certify it as a true copy under his signature and seal and deliver it to the applicant or his duly authorised agent, and also refund to him the balance of fee, if any, left out of the advance after meeting the copying charges.

Credit and
disburse-
ment of
fees.

(6) All the fees chargeable under sub-rules (2) and (3) above shall be paid in cash to the Secretary of the Panchayat in this behalf who will credit them to Sabha Fund and shall forthwith give a receipt under his signature in Form VI.

Inspection
by the pub-
lic of the
records
deposited
in the Pan-
chayat
office.

71. Inspection of records deposited in the Panchayat office shall be allowed with the permission of the Pradhan on payment of an inspection fee as laid down in rule 73.

Inspection
of pending
records.

72. The record of a proceeding which is pending or which has been decided but the record of which has not been deposited in the Panchayat office may be inspected by a party thereto free of charge. Any other person desiring to inspect such record shall obtain the permission of the Pradhan by presenting an application stating therein the nature of the interest for the protection of which inspection is sought. On permission being granted,

inspection shall be allowed on payment of inspection fees laid down in rule 73. The record of a pending proceeding includes the records of a decided proceeding called for in connection with a pending proceeding.

73. The inspection fee shall be twenty-five paise for the first hour and fifteen paise for any subsequent hour or fraction thereof for every record inspected. The fee chargeable under this rule shall be paid in cash with the application for inspection to the Secretary of the Panchayat who shall credit it to the Sabha Fund and shall forthwith give a receipt under his signature in Form VI appended to these rules.

Inspection fee.

74. The inspection shall be made in the office of Panchayat and during the office hours.

Place and time for inspection.

75. The use of pen and ink during inspection is strictly prohibited. Inspection of any record shall be made only in presence of an officer of the Panchayat.

General prohibition and directions for inspections.

76. The Deputy Commissioner shall be the prescribed authority for the purpose of sub-section (2) of section 52 of the Act.

Prescribed authority for section 52 (2) of the Act.

77. Before ordering suspension or removal of a Panch, the State Government or the Deputy Commissioner, as the case may be, shall give him an opportunity to show cause as to why he should not be suspended or removed, as the case may be.

Suspension and removal of a Panch.

78. Before superseding a Gram Panchayat, the Government shall give the Gram Panchayat concerned an opportunity to show cause as to why it should not be superseded. A notice issued to the Pradhan of the Gram Panchayat which is intended to be superseded, shall be considered as a notice issued to the Gram Panchayat as a whole, in this behalf.

Suspension of a Gram Panchayat (Section 55 of the Act).

79. The Deputy Commissioner shall be the prescribed authority and the Director shall be the prescribed appellate authority for the purposes of section 58 of the Act.

Prescribed authority for the purpose of section 58 of the Act.

80. (1) The Deputy Commissioner shall be the prescribed authority for the purposes of section 59 of the Act.

Prescribed authority for the purpose of section 59 of the Act.

(2) The damages referred to in sub-section (2) of section 59 of the Act shall be assessed by a technically qualified officer not lower than the rank of an Overseer.

81. A Gram Panchayat with the prior approval of the Deputy Commissioner, may compound a suit or proceeding to which it is a party of such terms and conditions as may be approved by the Deputy Commissioner.

Compounding of suit or proceeding.

82. Every tax, fee, duty, cess, penalty, ratio toll or any other amount due to a Gram Panchayat shall be recoverable as arrears of land revenue by the competent Revenue Officer.

Recovery of dues.

Panch not
to hear
proceedings
in which he
or any
member of
his family
has any int-
erest.

33. (1) No Panch shall attend a meeting of the Gram Panchayat, if such Panch or any member of his family is a party or has pecuniary interest in any proceedings pending before the Gram Panchayat and are to be considered in such meeting.

(2) In case the quorum of the Gram Panchayat cannot be complete due to the disqualification mentioned in sub-rule (1) above, then the Pradhan or in his absence the Up-Pradhan, shall report the matter to the Deputy Commissioner who may transfer the proceedings to some other Panchayat which is not disqualified as above, to hear the proceedings and such Gram Panchayat shall thereupon proceed with and decide the proceedings as if the same relate to its own jurisdiction.

FORM I
FAMILY REGISTER
PART I
(See rule 5)

Name of Gram Sabha.....

Name of village.....Tehsil..... District.....

Sl. No.	House No.	Name of head of the family	Names of members of the family	Father's name	Whether scheduled caste or scheduled tribe	Ages and dates of birth	Occupation	Literate or illiterate	Names added or struck off with particulars*	Remarks
1	2	3	4	5	6	7	8	9	10	11

*Reference No. of birth, death or marriage register, as the case may be, should be given.

FORM I
REGISTER OF MEMBERS
PART II

District.....

Tehsil.....

2	3	4	5	6	7	8	9	10
Name of father/ husband/ mother		Male or female	Approximate age on 1-1-1970	Date of birth	Whether scheduled caste or scheduled tribe	Name added or struck off with reasons	Remarks	

FORM II
REGISTER OF IMMOVABLE PROPERTY
(See rule 39)

1	Name of village to which the property belongs	2	Description, situation and boundaries of the property	3	Settlement No. or No. in the nazul registers, Land Records Department	4	Area and date of Govt. order	5	Transferring the management to the Panchayat	6	Mode of occupation and purpose for which used	7	Number and date of order authorising such occupation and the authority by whom ordered	8	Name of tenant or if any, and term of issue	9	Date of termination of lease	10	Rent per annum	11	Signature of the Panchayat	12	If held under direct management, approximate annual income and source from which derived	13	Method of final disposal of property with No. and date of order of competent authority sanctioning sale, etc., name of purchaser, if any, and amount for which sold	14	Date of annual verification of entries in preceding columns and signature of verifying officer	15	Remarks	16
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FORM V

(See rule 61)

FORM OF APPLICATION FOR LAND ACQUISITION

Name of Gram Panchayat.....Block.....Tehsil/Sub-Tehsil.....District.....

Village in which the land in question is situated	Description of land	Khasra numbers	Total area	Whether any religious buildings, tombs or graveyards are situated on the land and their demolition will be necessary	Whether any alternative site is available in the vicinity. If yes, give details	Resolution number with date	Whether private negotiations to purchase the land were made and have failed
1	2	3	4	5	6	7	8

Signature of Secretary of Gram Panchayat.

Signature of Pradhan.

Note.—A copy of the resolution of the Gram Panchayat should be enclosed with the application.

FORM VI
FORM OF RECEIPT
(See rules 70 and 73)

Gram Panchayat/Nayaya Panchayat
No.....Dated
Received from Shri.....
a sum of rupees.....
on account of.....

Gram Panchayat/Nayaya Panchayat
No.....Dated.....
Received from Shri.....
a sum of rupees.....
on account of.....

.....
Signature of Pradhan/Sarpanch.

.....
Signature of Pradhan/Sarpanch.

MANJULA MAHAJAN,
Deputy Secretary.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुध्द्वस्तिवार, 22 जुलाई, 1971/31 आषाढ़, 1893

GOVERNMENT OF HIMACHAL PRADESH

PUBLIC WORKS DEPARTMENT

NOTIFICATION

Simla-2, the 25th May, 1971

No. 9-97/70-PWD.—In exercise of the powers conferred on him under section 32 of the Himachal Pradesh Aerial Ropeways Act, 1968 (Act No. 7 of 1969), the Governor, Himachal Pradesh proposes to make the following rules under the aforesaid Act.

Any person who has any objection or suggestion may send the same to the Secretary (Public Works Department) to the Government of Himachal Pradesh, Simla 2, within a period of 30 days from the date of publication of this notification in the Himachal Pradesh Rajpatra for the consideration of the Government after which the rules will be finalised.

1. (1) These rules may be called the Himachal Pradesh Aerial Ropeways Rules 1970.

(2) These shall come into force at once.

2. Unless the context otherwise requires:—

(1) 'Act' means the Himachal Pradesh Aerial Ropeways Act, 1969. (Act No. 7 of 1969).

Short title
& commence-
ment.